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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,198	01/28/2000	James P. Mitchell	00CR064/KE	3140

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EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
2685	3

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/494,198	MITCHELL, JAMES P.
	Examiner	Art Unit
	Sonny TRINH	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 January 2000.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 .
- 4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_ .

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 01/28/00 paper number 2 has been considered and placed in the application file.

### *Specification*

2. The disclosure is objected to because of the following informalities: Serial numbers in the cross reference section (page 1 of the specification) are missing. Appropriate correction is required.
3. **Claims 1, 4-7** are objected to because of the following informalities:

In line 1 of claim 1, a colon (:) punctuation is missing after the word "comprising". This is a typographical error. In order to overcome the ambiguity in the claim language, it is assumed that a colon is inserted after the word "comprising".

**Claims 4-7** are method claims which depend on a system claim (claim 1). These also could be typographical errors. It is assumed that claims 4-7 are systems claims and the word "method" in each claim (4-7) should be changed to "system".

The rejection of claims 1, 4-7 are based on above assumption. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 27** recites the limitation "address" in line 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. **Claims 1-2, 4-9, 11-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Galipeau et al. ("Galipeau"; Patent No. 6,249,913).

Consider **claims 1 and 8**. Galipeau teaches a communication system and method for a mobile platform (column 1 lines 16-24), comprising a direct broadcast receiver located on the mobile platform (column 7 lines 19-27, the communication system can receive off aircraft email clearly indicates that there is a broadcast receiver on board, see also column 10 lines 39-46 and figure 12, satellite communication with the aircraft internet server 192); and

a computer network (figure 9a, controller 186, column 10 lines 17-38) including at least one terminal on the mobile platform (200), the terminal providing Internet access through the direct broadcast receiver (column 7 lines 19-26, see also figure 9a, internet server 192).

Regarding **claims 2 and 9**. Galipeau further discloses that the Internet access is interactive access for providing commands (figure 12, internet server 192 and computer 226 for running interactive application such as internet explorer).

Regarding **claims 4 and 11**, Galipeau further discloses that the mobile platform is a boat (column 13 lines 1-16).

Regarding **claims 5 and 12**, Galipeau further discloses that the mobile platform is an automobile (column 13 lines 1-16).

Regarding **claims 6 and 13**. Galipeau further discloses that the mobile platform is a train (column 13 lines 1-16).

Regarding **claims 7 and 14**, Galipeau further discloses that the mobile platform is an aircraft (column 13 lines 1-16).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 3, 10 and 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al. ("Galipeau"; Patent No. 6,249,913) in view of LaRocca et al. ("Larocca "; Patent No. 6,314,572).

Regarding **claims 3 and 10**. Galipeau discloses the invention including the internet connection via a satellite transmission (figure 12) but does not explicitly disclose that the communication system includes a back channel transmitter. In an analogous art, Larocca teaches a method and apparatus for providing subscription on demand services for an interactive information distribution system. LaRocca further discloses that the communication system includes a back channel transmitter (figure 2, block 208, column 6 line 57 to column 7 line 65).

Since the system of Galipeau is about an onboard entertainment system with user interactive control; and since LaRocca is also deals with an interactive information distribution system, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the interactive onboard entertainment system of Galipeau, the back channel transmitter, as taught by LaRocca in order for a user to interactively send control command(s) to the system to obtain the desired information such as which program (channel) to watch.

Regarding **claim 15**, since the system of Galipeau is about an onboard entertainment system with user interactive control using the internet connection from the mobile platform to a terrestrial receiver (figure 12 of Galipeau); and since LaRocca also deals with an interactive information distribution system including and the back channel transmitter (figure 2 of LaRocca) for the interactive commands. It would have been to obvious to use the interactive system of Galipeau to send commands to the internet via the terrestrial receiver utilizing the interactive system with back channel transmitter of LaRocca.

Regarding **claims 16-17**, since Galipeau's system is about an interactive system for connecting to the internet using WEB browsers such as Netscape communicator and Internet Explorer (see figure 12), it is obvious that the commands are forwarded to an Internet service provider and the Internet service provider responds to the commands via the direct broadcast receiver.

7. **Claims 18-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al. ("Galipeau"; Patent No. 6,249,913) in view of Schuchman et al. ("Schuhman"; Patent No. 5,459,469).

Regarding **claims 18 and 21**, Galipeau discloses a method of providing electronic browsing service in a mobile platform (column 1 lines 17-24, abstract), the mobile platform including at least one terminal (fig. 9a terminal 200). However, Galipeau does not explicitly discloses the steps of receiving order wire data indicating a default

homepage from an external source; and beginning the electronic browsing service at the default homepage.

In an analogous art, Schuchman discloses an air traffic surveillance and communication system for air traffic controllers. Schuchman further teaches the use of the orderwire circuit for coordination and control actions for maintenance services (column 8 line 43 to column 9 line 49, column 20 lines 43-67). The combination of Galipeau and Schuchman, however, does not disclose the setting of a default homepage. However, the step of setting a homepage so that a user can begin to browse at such default homepage is well known and widely used and the Examiner takes Official notice of such use in a networked environment such as when accessing a local area network or the internet.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Galipeau, the orderwire data, as taught by Schuchman in order to enable technical control and maintenance personnel for coordination and control actions relative to activation, change, rerouting, reporting, and maintenance of communication systems and services. The motivation for setting a default page every time a user logon to the system is to provide enough information / links for the user to navigate.

Regarding **claim 22**, it is obvious and well known for the default home page to include an address of the default home page.

Regarding **claims 19-20**, the combination of Galipeau and Schuchman does not disclose that the external source is a docking area transmitter nor the default homepage

is selected in response to a destination of the mobile platform. It would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the transmitter at the docking area and select the default homepage in response to a destination of the mobile platform. Since Applicant has disclosed that this particular arrangement solve any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any other arrangement.

8. **Claims 23-26, 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau et al. ("Galipeau"; Patent No. 6,249,913) in view of Ballard ("Ballard"; Patent No. 6,430,739).

Regarding **claim 23**, Galipeau discloses a communication system for a mobile platform (column 1 lines 15-25, abstract), comprising:

a receiver and a computer network coupled to the receiver (figure 12, column 12 lines 20-67), and a terminal coupled to the computer network (figure 12, terminal 226). However, Galipeau does not disclose that the terminal beginning a browsing operation at a default homepage associated with the default homepage indication.

In an analogous art, Ballard discloses a software execution contingent on home page setting so that a user can start browsing the WEB beginning with the homepage setting (columns 1-2).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Galipeau, the homepage setting, as taught by Ballard in order to control the normal operation and access to the

program(s) each time a user is logged on to the network (see column 1 lines 38-55 of Ballard).

Regarding **claims 24 and 28**, Galipeau discloses a method and system of providing an electronic browsing service on a mobile platform (columns 7-8, specifically lines 19-27 of column 7), the mobile platform including at least one terminal (figure 9a, terminal 200, see also description). However, Galipeau does not discloses the steps of receiving order wire information from an external source identifying advertising spots; and displaying the advertising spots during the electronic browsing service.

In an analogous art, Ballard discloses a software execution contingent on home page setting so that a user can start browsing the WEB beginning with the homepage setting (columns 1-2), furthermore, Ballard disclose the advertisement in the homepage (see figure 4, see description starting from line 65 of column 5).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, within the system of Galipeau, the homepage setting, as taught by Ballard in order to control the normal operation and access to the program(s) each time a user is logged on to the network (see column 1 lines 38-55 of Ballard).

However, the combination of Galipeau and Ballard does not explicitly discloses the steps of receiving order wire data indicating a default homepage. However, the use of an orderwire circuit is well known and it would have been obvious for a person skilled in the art at the time the invention was made to use the orderwire circuit to enable technical control and maintenance personnel to coordination and control actions relative

to activation, change, rerouting, reporting, and maintenance of communication systems and services. The motivation for setting a default page every time a user logon to the system is to provide enough information / links for the user to navigate.

Regarding **claims 25-26**, Ballard further discloses the advertising spots (see figure 4, see description starting from line 65 of column 5).

### ***Conclusion***

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks  
Washington, D.C. 20231*

***or faxed to:***

*(703) 872-9314, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")*

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6<sup>th</sup> Floor (Receptionist).*

*Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.*

*Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is 703-306-0377.*

*Sonny Trinh*

PATENT EXAMINER

4/11/03

*SONNY TRINH  
PATENT EXAMINER*

*S. T.*